

A HALT CALLED

In the Squire Arkle-Board of County Commissioners Case.

JUDGE JOS. R. PAULL INTERPOSES

With a Vacation Order Requiring Members of the Board

TO APPEAR IN THE CIRCUIT COURT

Next Tuesday Morning to Show Why the Present Proceedings Shall Not be Discontinued—Legal Authorities Think This Ends the Matter so Far as the Commissioners are Concerned—Details of the Case Yesterday—Constable Anderson on the Stand—Testimony of Mrs. Blond Very Strong for the Prosecution.

The sudden ending of the trial of Squire George Arkle for misconduct in office, before the board of county commissioners yesterday afternoon, when the order of Judge Joseph R. Paull, calling a halt, was presented, came entirely in the nature of a surprise to the commissioners, in fact to everybody but those who were instrumental in securing the order. The order came, too, just at the conclusion of the testimony of Mrs. Elizabeth Blond (Hayden), whose evidence was considered the strongest presented in behalf of the prosecution.

The preponderance of legal opinion is that this ends the case so far as the board of commissioners is concerned, and that the circuit judges will throw the matter out of their hands. If the case is not taken to the supreme court by the board the next step, if the prosecution is to be continued, will be to have the squire indicted in the criminal court. If the commissioners take it to the supreme judges it is anticipated nothing will be gained, as a case of a similar nature against one Squire Davis has already been passed upon by that tribunal.

The attorneys and Squire Arkle appeared before Judge Paull yesterday at the noon hour and secured the order, which was later presented.

THE DAY'S PROCEEDINGS.

A Great Mass of Testimony and a Great Deal More Wraggling.

The second day's session of the board of county commissioners dealing with the Squire Arkle case convened yesterday morning at 10 o'clock. The first witness on the stand was Lester Smith, a conductor on the Wheeling & Elm Grove road. He testified on points in relation to the arrest of the Winters, both of whom were heard the day before. He stated that they had already been tried before the Elm Grove mayor before the state in the person of Justice Arkle got hold of them.

The next witness was August Postinger, who was connected with the liquor case mentioned in one of the specifications in the charges made against the squire. The statement had been made by the prosecution that the squire accepted \$23 50 and then dropped the cases. Captain Dovenor conducted the examination and had Postinger show the receipt he got from the squire. He asked what the receipt was for and answered that it was for the ending of the three cases against him for selling liquor on Sunday. A long legal wrangle ensued when Captain Dovenor asked the witness as to whether he had ever paid Constable Anderson \$9, of which \$7 was for Justice Arkle and \$2 for the constable. The objection of the defense on the subject was unanimously overruled by the board. When the matter was decided the point seemed to have been lost sight of.

Circuit Clerk John Walton was put on the stand and said that there were three indictments found against Postinger. Postinger was then again put on the stand and testified that he gave Anderson \$9 on one occasion and nothing came of the charges of selling liquor on Sunday. Colonel White moved that the testimony of Postinger on this subject be stricken out, as there had been nothing to show that Arkle had anything to do with the affair. This was defeated by the board.

The board adjourned at noon to meet again at 1:30 p. m.

The Afternoon Session.

The afternoon session convened at 1:40 p. m. every member of the board being present. The largest lobby of the trial was present, nearly every seat being occupied.

John Anderson was again on the stand and to Mr. Coniff said about one hundred were arrested on the night of the Kitty Lee raid, of whom about thirty or forty were arrested Sunday morning. No warrants for the inmates were sworn out beforehand, and if he could see the warrants he could soon tell whether they had been sworn out Sunday morning. He thought some had been sworn out on Sunday. Arkle, Anderson, Becker, Laughlin and Love all left the jail about 7 a. m. Asked if he was not a witness in nearly all the cases, and if he had not appeared, he answered in a doubtful manner. As to the amount he received for witness fees in the cases he thought it was \$62. As to the number of cases in which he really testified the witness started to answer, but was interrupted by Colonel White, and a lengthy wrangle ensued. Finally he said he really acted as a witness in thirty or forty cases, on either Monday or Tuesday. On being questioned he said he could remember none of the women who did not waive hearing and give bond.

"Was there a hearing or a trial of any of these cases where you got a witness fee?" Anderson answered doubtfully. "Isn't it true you were not on the stand four times that day?" "I don't know; there were a good many times."

The witness was shown one case where he received witness fees, the case not being tried, but on the contrary was sent up to the circuit court. Anderson, Love and Laughlin were all credited with witness fees in this case. An objection was made by Colonel White because the specifications against the squire mention nothing of the case in question. This brought on a discussion between the attorneys, during which Captain Dovenor claimed the third specification covered the case. The vote on the objection again showed the solid ten of the board voted to not sustain the objection.

Other cases were brought up by Captain Dovenor, and Anderson was shown that he acted as witness as shown on the returns. In the case of Mary Martin, witness could not say that the girl had a trial. He knew of no trial in which he appeared.

Other cases were introduced in which witness fees are charged, but in which

it is shown that the usual \$20 was put up and examination waived. A number of the women were unable to furnish money, and after being in jail three or four days were let out because "they could not put up the money," as the witness said.

One case the witness remembered where there was no trial, yet it was shown Anderson was credited with a witness fee. In the case of "Jim" Jones, he thought there was no trial. "Isn't it a fact that when you was the complainant you got the constable's fees, and Laughlin, Love and Becker got the witness fees, and so on?" "That's the way of it," answered the witness.

In the case against Fred Artz, witness could remember no trial but the witness fees were taxed just the same. In this case the record was introduced by Captain Dovenor. Witness did not think Artz was in jail, and upon prompting, he thought Stella Chester "put up" for him at the jail.

The Ella Miller case was next taken up. Witness was asked if in this case \$20 was not put up and the case sent to court, and in reply said he thought there was a trial.

"Very few of the women were in jail more than an hour," said the witness. "Yet you think you acted as witness against them in that hour," was Captain Dovenor's response.

At this point Captain Dovenor offered to introduce the cases in a bunch, but the attorneys on the other side objected and they were introduced one by one, the witness not being able to say positively whether or not there were trials before Justice Arkle.

"Tell this board of commissioners of a single case of an inmate who came up to Squire Arkle's and demanded a trial," said Captain Dovenor.

"There were so many it is hard to remember them all," was the reply.

Witness thought Jessie Benson was held. A man whose name is given as "Wilson" was connected in the same case, but he was fined and let go. This was introduced with the record, but Colonel White objected, claiming it had not been brought into the charges against the squire; he could see nothing to complain of. He objected to things like this of which the defendant had had no notice that he would be tried. "If a man is being tried for murder did you ever hear of another murder being brought in that same trial? It is the same in this case, and we want a ruling."

Mr. Coniff quoted from "Wharton" on criminal practice to show that the prosecution has the right to introduce the evidence in question.

Colonel Arnett said there is no doubt of Wharton being a standard authority, but he denied that the authority was correctly given. He asserted that no officer of the law can be convicted for mistakes he makes in the construction of the law. He claimed it not admissible to go outside of the specifications. He did not deny that there is a certain latitude where the question is one of fraud, but to offer one alleged crime for the proof of another is in this case not admissible. If the court holds it may go over Justice Arkle's record and bring up other cases it will be a herculean task, and wholly unfair to the justice. If this be done there is not one act in Justice Arkle's judicial career that cannot be introduced, and why should there be any specifications?

Mr. Coniff wanted himself understood. He did not introduce these acts to prove him guilty of them but to show a system of corruption. "If we prove corruption here we prove Squire Arkle a corrupt man."

Captain Dovenor closed the wrangle for the prosecution. The money paid was for security, not for a fine, and when the girl appeared in the circuit court that deposit of \$20 with Squire Arkle was released.

Colonel White closed for the defense. He did not deny when a system of fraud is alleged, outside testimony can be introduced. It must be proved that the record is a fraud, and that cannot be proved by the record itself. At the close of the talking, attorneys told others they "didn't know what they were talking about," and matters got dramatic, to the edification of the spectators. A vote was taken and resulted in the objection being defeated, 9 to 1, Voellinger voting in the affirmative.

Captain Dovenor asked the attorneys for the other side if he couldn't introduce all the papers in the case at once. Colonel White consented, if everything was to be introduced. These papers were warrants in cases in July and August, 1893.

After his long rest the witness, Constable Anderson, was given over to the defense and cross-examined by Colonel Arnett, who asked him about the Postinger warrant. Anderson had not asked for the "present" and had told Postinger to suit himself about it. After this he opened a drawer and handed out \$2, and of this the justice knew nothing until the present proceedings were commenced, when the squire asked him about it. At this point Colonel Arnett asked Captain Dovenor if he wanted the evidence of Postinger and Anderson on this matter taken out. This was consented to by the prosecution. Witness was asked about the famous warrants of July 7 and 8. The arrests were made Saturday night and Sunday morning. Thirteen of these warrants were sworn out by Mr. Howard against "landladies" of the houses of ill fame. As to the need of warrants for the arrest of inmates the witness thought he needed none. As to this point of law by the constable the prosecution objected. The inmates were taken to the jail, where the warrants were sworn out.

At this point Captain Dovenor asked permission to ask the witness a question. It was whether he remembered arresting Elizabeth Hayden. At first he did not remember, but when she was produced he remembered she was arrested by Becker. He knew whether it was the case. The captain then asked the squire to show where the case figured, but he could not.

The witness was then taken by Colonel Arnett and reiterated that the arrest was made.

Witness was shown a warrant for Maggie Conroy issued by Squire Arkle, on affidavit of William Laughlin. He was next asked as to his knowledge of costs taxed on cases—had nothing to do with that matter, and did not know whether they were correct or incorrect. As to trials following the arrests on July 8, he thought that trials followed in some of them. At least one-third had hearings before the justice and witnesses were examined. As to what he was allowed in various cases he thought he did not get more than he was justly entitled. He "trusted the squire in that matter." He knew nothing of the payment of the \$150 to the squire by Kitty Lee. All costs were paid to the justice by the sheriff and he got his fees from Mr. Arkle. As to whether others got fees to which they were not entitled, Captain Dovenor objected, but the witness was allowed to answer, and said he knew of no such fees. He knew of Squire Arkle charging no illegal fees. Witness knew of no bonds being given, and knew of no charges being made for a bond that was not taken. On that Saturday night about one hundred women were pulled, the thirteen houses on the Howard warrant, and five others, he thought. The examinations took

place in the jail, the attorneys being Captain Dovenor, Sam Boyce and Mr. Flick.

In this connection Colonel Arnett and Captain Dovenor had a wordy war in which the colonel applied the epithets "infamous lie" and "a falsehood." The colonel was then called down by President Dobbins of the board.

The examination of the witness was then resumed and the witness said Mr. Boyce appeared in nearly all the cases. As to whether he knew of anything that was wrong by Justice Arkle, he knew of nothing, and knew of no illegal charges by the justice. He thought the party left the jail at 4 or 5 a. m. Sunday. They were detained by issuing warrants and writing commitments.

To Mr. Coniff, Anderson said the parties "divided off," and all were not at each house that was pulled. He was present at about fifteen of the "pulls." Asked if he and Arkle had received illegal fees, whether he would testify to it now, he was about to answer, when Colonel Arnett objected. The objection was unanimously overruled by the board, and the witness answered, "Certainly, I would."

Captain Dovenor asked if he had ever been summoned as a witness in these cases, but the defense objected. The objection was not sustained, and the witness was asked if he knew of any subpoenas being issued. Another objection was made and again overruled, and the question was repeated. The witness answered, "No." Mr. Howard swore out thirteen warrants, he said, and he and Laughlin swore out the others, amounting in all to about twenty. Here the witness was allowed to go.

The prosecution offered a receipt signed by Squire Arkle for money paid by W. T. Embelen, for \$67. There was no trial, but they are entered as though tried, and excessive fees are charged, said the captain. The charge amounted to over \$5 in each case, and things were charged for that never took place. Colonel White claimed these cases do not enter into the prosecution of the squire, and that his general plea of "not guilty" does not apply to these matters.

On a vote for the objection it was unanimously defeated, and the Embelen cases were introduced as evidence, together with the receipt from Arkle to Embelen. Exception was entered by the defense. Mrs. Elizabeth Blond (Hayden) was put upon the stand and questioned by Mr. Coniff. She remembered being arrested at Susan Hennegan's house, where she was the cook. Becker arrested her and no witnesses were present. She was taken to the jail. There she was told that it would take \$20 to get out, and she paid Arkle \$20. She was never tried, but went back the following Monday, and never got the \$20. She did not know for what she was arrested. She had never answered in any court. She had asked Mr. Boyce about the money, and he had said he would try to get it for her.

To Colonel Arnett Mrs. Blond gave the names of several of the women arrested when she was "pulled." She never asked the squire for the money. She knew she was never indicted, as she had no trouble after this time. She got no receipt for the money, which was for her appearance on Monday. Nothing was done on Monday and nothing after that time.

William T. Embelen next testified to giving bond in the thirteen cases before Squire Arkle. At this point an officer of the circuit court appeared and handed President Dobbins the following order issued by Judge Paull, which was read by Clerk Moffat:

VACATION ORDER.

George Arkle
Board of Commissioners of
Ohio County.

George Arkle this day presented his petition and moved the court for a rule in prohibition against the defendants, the board of commissioners of Ohio county. P. R. Dobbins, W. J. Bates, Philip Voellinger, James Baird, H. Maxfield, J. P. McGee, Jacob Kinsler, H. P. McGee, named therein, to show cause why a writ of prohibition should not issue prohibiting them from proceeding to try the charges preferred against him by them, herein named and mentioned. It is ordered that the said defendants do hereby stay proceedings upon said charges until the further order of this court, and that they do appear before this circuit court, of Ohio county, West Virginia, on the fourth day of September, 1894, at 10 o'clock a. m. of said day, to show cause, if any they can, why a writ of prohibition shall not issue in accordance with the prayer of said affidavit and petition, and that a copy of this order be served on the president of said board in lieu of said rule.

Given under my hand this twenty-fifth day of August, 1894.

JOSEPH R. PAULL, Judge.

The order created considerable surprise, and the proceedings were at once stopped. The board went into session with its counsel, Prosecuting Attorney Howard, in attendance to consider the situation.

The legal fraternity is not greatly surprised at the order issued by Judge Paull, many taking the ground that the board of commissioners has no authority in this case. It is said that in case Judge Paull decides that the board has no jurisdiction the matter will be carried by the board to the state supreme court. If that body decides likewise it will be necessary in order to further prosecute the case that Mr. Arkle be indicted in the criminal court. Next Tuesday will tell the tale.

Building Notes.

Holliday & Son are shipping a new two-story frame dwelling to Triadelphia for Henry Riser.

The new residence of Mrs. A. R. Raper, on Oak street, South side, is almost completed. It is a very handsome one.

Work has been commenced on the excavation for the foundation of a new business and dwelling house for David Hanne, on Jacob street below Fortieth.

Carges Bros. are building a new two-story brick house in North Wheeling for John Breining. Joseph Leiter is the architect and the Holliday planing mill is furnishing the material.

The excavating has been begun for a new building for Mrs. B. Hughes, at the corner of Fortieth and Jacob streets. It will include a dwelling house and a new store room for her millinery establishment.

How Jolly!

Eh! who said that? The answer is to poster as the question from the dear chap who has just read the rhyming with Hostetter's Stomach Bitters, unequalled as well for dyspepsia, liver complaint, indigestion of the bowels or kidneys, nervousness, lack of vitality, appetite or sleep. Use the great tonic and you will be ultimately happy if now afflicted.

THE Mail and Times, Des Moines, Iowa, May 7, 1894.

"Miss Gifford at once captured the favor of the audience by her beautiful voice and lovely disposition. Her song was a delightful and the highest note, and like-wise clear and true. Her religious selection, 'Jesus, Lover of My Soul,' was a beautiful and a great grand for Oratorio work."

She will sing at the Grand Concerts given by the Mozart Singing Society, at the opera house, on Wednesday evening, September 3, 1894.

THERE is a sample line of genuine French Wall Paper at 1011 Main street; also German and English designs.

THE Pan-Handle Dyeing establishment, owned by John Holmoeier, at No. 1431 Market street, is the best equipped house of its kind in Wheeling. In addition to the dyeing and cleaning departments a corps of first-class tailors are employed, who can be repairing as neat as it is possible. Clothes and ladies' garments, cleaned or dyed, can be made to look like new. Satisfaction guaranteed.

TEAS, SPICES, ETC.

WE HAVE MOVED!

We take especial pleasure in announcing to our thousands of patrons that we are now occupying our new and elegant four-story building, which is equipped thoroughly with every modern improvement to facilitate the handling of goods. New spice mills, new and improved coffee roasting machinery, steam power elevator. The largest and best equipped

TEA AND GROCERY HOUSE

In the State!

PRICE LIST:

Mason Jars, per dozen.....45c
Choice Large Lemons, per doz.....10c
Jelly Glasses, per doz.....28c
Clothes Pins, per doz.....1c
Carpet Tacks, 8 ounce, per box.....1c
Choice Salmon, per can.....10c
Baking Powder, per pound.....10c
Carolina Rice, per pound.....5c
Fresh Ginger Snaps, 4 pounds.....25c
Fresh Butter Crackers, 6 pounds.....25c
Pain's Root Beer, 4 bottles for.....25c
Sugars at redners prices.

Atlantic Tea Co.

WANTED.

WANTED—TO SELL A FIRST-CLASS house, finished in hard woods. Will sell furnished or unfurnished. Also to exchange property for a good farm, either in Belmont or Licking County, Ohio. Address Lock Box 73, Wheeling, W. Va. au21-wawy.

WANTED—AGENTS FOR A COMPANY that pays sick and accident benefits. Ten times. No lumps and 20 per cent for collecting. Call at 309 Peabody Building. L. G. SMITH, Manager. au9

FOR SALE.

FOR SALE—SALOON—ONE OF THE finest outfits in Eastern Ohio; doing a good business; established fifteen years; first-class trade; reasons for selling, entering other business; a rare chance to right parties; terms reasonable. Address S. C. WHITTAKER, 323 W. Market street, East Liverpool, O. au25

FOR SALE.

AFEW CHOICE LOTS AT EDGINGTON.

Cheap and on Easy Terms.

W. V. HOGE.

off City Bank Building 1300 Market Street.

FOR RENT.

FINE, LARGE, NEW, BASEMENT BARBER SHOP, WITH BATHS, CORNER TENTH AND MAIN STREETS.

JAMES L. HAWLEY,

and 1420 Main Street.

FOR RENT.

Store room in Peabody Building. Office rooms in Peabody Building.

Steam heat, elevator and all modern conveniences. Terms reasonable.

PEABODY INSURANCE CO.,

1126 and 1128 Market Street.

STOCKHOLDERS' MEETINGS.

Notice is hereby given that a general meeting of the stockholders of Greer & Laing will be held at the office of the firm of Greer & Laing, No. 1215 Main street, Wheeling, W. Va., on Wednesday, September 19, 1894, at 10 o'clock a. m., for the purpose of electing a board of directors, making by-laws and transacting any other business which may lawfully be done by said stockholders in general meeting.

ALEXANDER LAING,
JACOB R. GREER,
DAVID H. McILWANE,
BARKLEY COOPER,
CHARLES H. TRACY,
Corporators.

WHITTAKER IRON COMPANY.

A general meeting of the stockholders of the Whittaker Iron Company will be held at the office of the company, in the city of Wheeling, West Virginia, on Wednesday, September 5, 1894, at 10 o'clock a. m., to determine the question of extending the time of the continuance of the said company beyond that limited in the agreement for its formation, and to transact any other business proper for consideration by such meeting. N. E. WHITTAKER, President of the Company and a stockholder more than one-tenth of the capital.

Notice is hereby given that at a general meeting of the stockholders of the Whittaker Iron Company to be held at its office in the city of Wheeling, West Virginia, on Wednesday, September 5, 1894, at 10 o'clock a. m., a resolution will be offered to extend the time of the continuance of the said company, the Whittaker Iron Company, for fifty years.

N. E. WHITTAKER,
and W. A. Stockholder of said Company.

GENERAL NOTICES.

WEST VA. STATE FAIR NOTICE.
Mr. J. B. Handlan, Superintendent of the Privileges and Exhibitor's Space, will be on the grounds from day to day until the close of the Fair. Any person wanting any refreshment stands or exhibition space, will call on him at the grounds.

au27 GEORGE HOOK, Secretary.

WEST VA. STATE FAIR NOTICE

LADIES, CHILDREN AND ART DEPARTMENTS

Miss Annie Hess, Superintendent, and a committee of ladies will be in the Main Exposition Building August 30, 31 and September 1, from 1 to 2 o'clock p. m., (Thursday, Friday and Saturday), for the purpose of receiving articles to be exhibited. No entries in this department will be made after September 1.

au27 GEORGE HOOK, Secretary.

STOCKS, BONDS, ETC.

STOCKS FOR SALE.

19 shares of National Bank of West Virginia.
25 shares Warwick China Company.
25 shares Wheeling Ice & Storage Co.
25 shares Fire and Marine Insurance Co.
25 shares Bank of the Ohio Valley.
25 shares Laidlaw Mill.
25 shares Laughlin Mill.
25 shares Wheeling Railroad.
25 shares Zinc & Lead Iron and Steel Co.
N. S. IRWIN, Broker,
No. 24 Twelfth Street.

++ BONDS. ++

Royal Clay Manufacturing Company.
Wheeling Street Railway Company.
Pawcunburg, Sutton & Glenville Railroad Co.
Wheeling Pottery Company.
Wheeling Steel and Iron Company.
Mozart Park Association.
Piedmont Water Works.

STOCKS.

Reynolds Mill.
Kennebec Iron.
Manchester Coal Company.
Laidlaw Iron Works.

SIMPSON & HAZLETT.

Stocks, Bonds and Investments.

au10 No. 1311 Market St.

JOB & WORK

NEATLY AND PROMPTLY EXECUTED

AT THE INTELLIGENCER JOB ROOM

NEW DRESS GOODS—GEO. R. TAYLOR.

Autumn, 1894.

New Dress Goods Suitings.

GEO. R. TAYLOR.

IMPORT ORDERS

Arriving Every Day!

Covert Cloths PROMINENT.

PRICES - Lower Than Ever Known.

GEO. R. TAYLOR.

WASHINGTON AND JEFFERSON COLLEGE.

NINETY-FOURTH YEAR opens Sept. 12. Fully equipped for college work. Elective courses adapted to prepare for study of the learned professions. Laboratories for Chemistry, Mineralogy and Biology. New Observatory. Athletic field and new gymnasium with Medical Director. Expenses very moderate. Annual \$25. Address THE PRESIDENT, Washington, Pa. au10

REAL ESTATE.

FOR SALE.

Splendid house, five rooms, Linn street, Belvedere, \$1,450.

House, six rooms, brick, Eoff street, Fifth ward, \$2,500.

Splendid five-roomed house, lot 100x175, Todd View, \$1,800.

House, four rooms, Woods street, Centre Wheeling, on easy terms, \$950.

House, six rooms, North Market street, \$1,300.

House of seven rooms, Lightseventh street, with six-roomed house in the rear, lot 34x124, \$1,700.

House of three rooms, Lind street, Belvedere, \$850.

House of 6 rooms, 4th street, between 2nd and 3rd streets, with 4-roomed house in the rear; large lot, \$1,500.

A fine improved farm of sixty acres, three miles east of Wheeling.

House of five rooms, Twenty-third street, \$2,500.

House of five rooms, Chapline street, Centre Wheeling, \$2,500.

House of three rooms, Market street, Centre Wheeling, \$900.

House of ten rooms, brick, Market street, Fifth ward, easy terms, \$7,000.

House of five rooms, brick, Fourteenth street, \$2,500.

House of four rooms, Jacob street, Sixth ward, \$1,500.

House, five rooms, Woods street, East Wheeling, \$1,400.

Fine farm, 127 acres, three miles from Mountville, with splendid improvements. This is a bargain.

500 feet of land fronting on McCulloch and Lind streets.

Hotel of fourteen rooms, doing good business, splendid location, cheap.

House of seven rooms and hall, Chapline street, Centre Wheeling, \$1,500.

Lots on Lind street, Belvedere, \$275 each.

Lots in Behrens & Speller's addition